

**Notice of Allowability**

Application No.

09/652,029

Examiner

Prieto Beatriz

Applicant(s)

MACHIN ET AL.

Art Unit

2142

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/04.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 31 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

*Beatriz Prieto*  
Patent Examiner



***Examiner's Amendment***

1. An Examiner's Amendment to the record appears below. Should the changes or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

2. Pursuant to M.P.E.P. §606.01, this title has respectfully been changed to read as follows:

**-- PERFORMANCE EVALUATION THROUGH BENCHMARKING USING AN  
ON-LINE QUESTIONNAIRE BASED SYSTEM AND METHOD --**

3. Compact prosecution has been applied to this application (MPEP 2106). Thereby, the closest prior art reference(s) are set forth with respect to their teachings of the claimed invention.

4. The closest prior art of record found to teach substantial features of the invention as claimed includes D'ALESSANDRO (US 6,556,974) and HAVENS (US 5,909,669).

Specifically, the combined teachings of D'Alessandro and Havens teach receiving data at a host site to which the user logs into and receiving said data from a user over a network; and storing in a database received data submitted in response to a questionnaire; performing a check using software at the host site, evaluating received data that does not meet certain validation parameters or criteria; confirming automatically that the received data meets said criteria and deleting confirmed to be incomplete, questionable or other unsuitable and further may cause new (survey) data to be generated to replace or combine with some or all the original (survey) data and further generating a report automatically by means of an automated means for comparing with competitors identified peer groups (see D'Alessandro: col 2/lines 62-col 3/line 3, 7-64, col 5/lines 55-57, col 6/lines 3-6, 16-21, col 7/lines 1-6, 26-59, col 10/lines 31-42 and Havens: col 6/lines 11-33, col 7/lines 6-21, col 7/lines 58-col 8/line 9).

5. Other pertinent prior art of record reference(s) found to teach a few features of the invention as claimed is:

Web Site Evaluation Design/Planning and Methodology for NIH (Web Site Evaluation and Performance Measurements Toolkit, March 2000.

This report teaches conducting benchmarking using distributed computer network, e.g. the Internet to connect a plurality of participant with browser or Web capable computers to a host web site and an associated database for filling a questionnaire to measure the performance of a service and/or business. The participant's capabilities include sending the filled questionnaire via email to the host web site. The report describes receiving data from the user over the distributed computer network inputting at the host site, the data to a database, identifying peer or competitors for comparing a generated report comprising the results of the surveying questionnaire and/or exporting the data to other software for further analysis and reporting. Suggestion where this methodology can be used for monitoring user's experiences and benchmarking a service including a Web site relative to other sites.

6. Further relevant prior art references that teach and/or are pertinent to the claimed features of the invention are set forth below. These references are presented for completeness in the form of an appendix.

### ***Reason for allowance***

3. The following is the Examiner's statement of Reason for Allowance. This statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed, nor it specifically or impliedly state that all the reasons for allowance are set forth. The primary, or important reason for allowance of the claims is the inclusion of the limitation(s) in all the claims, which is not found in the prior art references.

In this case, the prior art of record teaches the claimed invention substantially as claimed, however fails to teach or suggest individually or in combination; in a database filling-in gaps, empty fields or records generated when data in these gaps, fields or records is deleted, this is the "killing gaps" limitation/and step on claims 1 and 16 (described on specs on p. 16 and Fig. 6). These gaps in the database are particularly produced when suspected data (broadly interpreted, "suspected data" is an unrealistic value or not within a predefined tolerance value, see specs p.

14, lines 16-19, and p. 18, lines 21 to p. 19, line 11) is confirmed to be incorrect (broadly interpreted this “automated confirmation” involves user verification, specifically, the confirmation step entails an automated procedure by which an email is automatically generated and sent to the user who inputted received data, for verification, see specs. p. 19, lines 6-9, p. 19, line 23-p. 20, line 10, steps 128 & 130 of Fig. 4). Hence, at the least the filling-in gaps called “killing gaps” and/or automated confirmation steps of claims 1 and 16, as interpreted in light of the specifications, are not taught by the prior art of record.

5. Claims 1-19 are allowed because of the combinations of other all limitations of all claims as a whole.

6. Double patent analysis has been performed with respect to *issued patents* having common relationship of inventorship and/or ownership with respect to the above-allowed claims, *none* are found to warrant a double patenting rejection.

7. Any comments Applicants considers necessary must be submitted no later than the payment of the Issue Fee and to avoid processing delays, should preferable accompany the Issue Fees. Such submission should be clearly labeled “Comments on Statement of Reasons for Allowance”. In event of any post-allowance papers (e.g. IDS, 312 amendment, petition, etc.), Applicant is exhorted to mail papers to the Production Control branch in Publications or faxed to post-allowance papers correspondence branch at (703) 308-5864 to expedite issuing process or call PUB’s Customer Service if any questions at (703) 305-8497.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Prieto whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:30 to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the

status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free)).

Any response to this action should be mailed to:

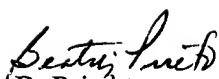
**Box Issue Fee**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 746-4000, (Issue Fee and any Publication fee/payments)

Or:

(703) 305-8283 (for checking on receipt of payment w/Publication)

  
B. Prieto  
Patent Examiner  
November 14, 2004

## ***APPENDIX***

### **A. Pertinent Prior Art:**

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinence is presented in accordance with MPEP§ 707.05. Copies of Non-Patent Literature documents cited will be provided as set forth in MPEP§ 707.05(a):

1. ISO Standards, Usability Partners – described several standards for business performance evaluation (pages 1-6).
2. Developing and Implementing Effective Web-based Surveys, Andrews, S. & Feinberg, S.(pages 1-4) – describe to use of business performance evaluation, particularly using Web based technology for designing an developing surveys including designing a friendly user interface for result compilation process.
3. US 5,956,709 (09/1999): Xue teaches evaluating on-line survey data including an interactive validation check which checks that the user entered a valid value and interacts with the user until a valid value is entered.
4. US 5,852,819 (12/1998): Beller teaches evaluating database records to identify empty or lack of data fields to reduce wasted space saving fields that have data and not saving empty fields.
5. A machine-learning apprentice for the completion of repetitive, Hermens & Schlimmer, IEEE Computer Society Press, 1993, ISBN: 0 8186 3840 0, p. 164-170.  
Hermens et. al. teach filling blanks fields of an electronic fill-in form with default values.
6. New eForm products automate the collect & processing of web and corporate forms using HTML, Adobe PDF & XML industry standards: Cardiff eForm products clean web data, saving organizations over GBP100 per form transaction. M2 Presswire, pNa, Newswire, August 2000.